

Application No: 10/519,852
Amendment B
Reply to Office Action Dated 10/06/2006

Attorney Docket No: 3883.022

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REMARKS

Claims 1-3 and 6-7 are pending in the application. Claims 1-3 and 6-7 have been amended. Claims 4-5 have been previously cancelled.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. More specifically, the Examiner has stated that in claim 1 "t-shaped" is not supported in the specification.

The language of claim 1 has been modified to clearly recite that the bulge section 11, together with the toe section 10, instep section 10b and sole section 10a, forms a t-shape. This can be clearly seen from Fig. 2.

Also, paragraph [0036] of the specification states that the toe section 10 deforms such that it is stretched by the toes and paragraph [0037] states that as shown in Fig. 3, the sole section 10a deforms in correspondence to the toes being inserted.

From this, it can be understood that Fig. 3 shows the state in which the toes have been inserted into the toe section 10, and Fig. 2 shows the state before the toes are inserted.

Claims Objections

Claim 1 is objected to because of informalities. More specifically, the Examiner has stated that the instep of the toe is not the top toe part of the toes, but is the side of the toe.

The Examiner's objection appears to be wrong. According to Merriam-Webster Online Dictionary, the word "instep" means: 1. the arched middle portion of the human foot in front of

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the ankle joint; *especially*: its **upper surface**; 2. the part of a shoe or stocking that fits over the instep.

Clearly, the instep refers to the upper surface of the foot, including the top part of the toes.

Nevertheless, in order to facilitate the prosecution, the language "covering the top part of the toes" has been deleted.

Claims Rejections – 35 USC §112

Claims 1-3 and 6-7 are rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement.

More specifically, the Examiner has stated that it is unclear how the toe section can be knitted completely into a flat tubular shape, yet have a bulge section formed therein to create a t-shape.

The word "completely" has been deleted.

Claims Rejections – 35 USC §102

Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeda et al. (US 6,000,247).

The Examiner has stated that Takeda et al. disclose a bulge section 20a, 20b formed with the toe section so as to be in a t-shape when viewed in a side view in the middle part in the length direction of the toes in a location such that it covers the bottom half of the toes (Figs. 1A-1C).

It is noted that the language of claim 1 has been modified to recite that the bulge section, together with the toe section, instep section and sole section, forms a t-shape, as can be clearly seen from Fig. 2.

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It is not clear how the sections 20a, 20b as shown in Figs. 1A-1C of Takeda et al. would be a bulge section, together with the toe section, instep section and sole section, forming a t-shape. The sections 20a, 20b are additional sections provided at the front tip of the sock 10 and can be made broader without making the width of the toe section 12 narrower (see column 6, lines 38-42). The sections 20a, 20b do not have a bulge shape (or t-shape or arc shape). Rather, the sections 20a, 20b constitute the side part of the big toe side 16 (see column 6, lines 16-18).

In order for the Examiner to better understand the difference between the present invention and Takeda et al., Applicants submit herewith the attached reference documents 1-6.

Reference document 1 is an expanded view of the toe section 10 of a sock of the present invention, with hatching added to the area where the bulge section 11 is formed.

Reference documents 2 and 3 are photographs that were taken of the knitted toe section of a sock of the present invention. Reference document 2 is an image as seen from the side of the sole section 10a of the sock shown in Fig. 2, and reference document 3 is an image as seen at an angle from above the sole section 10a of the sock shown in Fig. 9.

Reference document 4 is an expanded view of a sock of Takeda et al., with hatching added to the knitted sections for increasing the thickness (additional sections 20a, 20b).

The arc-shaped arrows in reference documents 1 and 4 signify that the edge portions in the expanded view are stitched together.

Reference documents 5 and 6 are photographs of the sock of Takeda et al., with cloth inserted inside the sock so that the toe section is in the shape that it would be in when the foot is actually inserted. Reference document 5 is an image with the bottom of the foot placed on top and as seen from the front of the toe section of the sock, and reference document 6 is an image as seen from the side of the large toe.

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It can be seen from reference document 5 that when seen from the front, the thickness of the sock of Takeda et al. gradually becomes thicker going from the side of the small toe toward the side of the large toe. Also, since J-H on the side of the large toe in the expanded view (reference document 4) is not sewn to the H-M, it can be seen from reference document 6 that J-H-M that forms a triangular shape is expressed as is when seen from the side of the large toe.

By comparing reference documents 1 and 4, it can be seen that the shape and placement of the "bulge section 11" of the present invention is completely different from the shape and placement of "knitted sections for increasing the thickness" of Takeda et al.

The "knitted sections for increasing the thickness" of Takeda et al. are located on the side of the large toe with respect to the center in the length direction of the sock, and are knitted on both the sole section and the instep section.

Therefore, the "knitted sections for increasing the thickness" of Takeda et al. and the toe section that includes them cannot be expressed in a 't-shape' as seen from the side (see FIGS. 1A and 1B of Takeda et al. and reference documents 5 and 6).

In contrast, the "bulge section 11" of the present invention is knitted in the sole section 10a and is not tend to the side of the large toe, but rather is formed continuously across the width direction of the sock (see Figs. 1 and 4-6, and reference document 2).

Particularly, since the "bulge section" 11 is formed continuously in the width direction of the sock, when seen from the side, together with the "toe section 10", "instep section 10b" and "sole section 10a", it is expressed as a 't-shape' (see Fig. 2).

Therefore, the "bulge section 11" of the present invention is different in shape than the "additional sections 20a, 20b" of Takeda et al.

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Moreover, the "bulge section 11" of the present invention has a unique feature that is not found in Takeda et al. of eliminating the feeling of pressure on the bottom of the toes (see paragraph [0038] of the specification of the instant application).

It is said in paragraph [0037] of the specification that the sole section 10a deforms in correspondence to the inserted toes. The deformation of the sole section 10a surpasses the deformation of the instep section 10a, and as a result of this deformation, there is an effect of alleviating the feeling of pressure on the bottom of the toes.

In consideration of the above, the Examiner is requested to withdraw the rejection.

Claims Rejections - 35 USC §103

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al. in view of Nordblad (US 1,314,356).

Claim 7 is allowable upon allowance of claim 1 upon which it depends.

Favorable consideration and early issuance of the Notice of Allowance are respectfully requested. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

Respectfully submitted,


Yonghong Chen

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Registration No. 56,150
Customer No. 30448
Akerman Senterfitt
222 Lakeview Avenue, Suite 400
West Palm Beach, FL 33401
Phone: 561-653-5000
Fax: 561-659-6313